

SIMON, DENSTMAN & NOONAN  
11 COMMERCE STREET  
NEWARK, N. J. 07102  
(201) 642-2658  
ATTORNEYS FOR Defendant

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION-HUDSON COUNTY  
DOCKET NO.

PASSAIC VALLEY SEWERAGE  
COMMISSIONERS, a public  
corporation,

Plaintiff,

v.

CRUCIBLE STEEL CORPORA-  
TION OF AMERICA, SPALD-  
ING WORKS, 1000 South  
Fourth Street,  
Barrison, New Jersey,

Defendant.

Civil Action

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :

: S S

COUNTY OF ALLEGHENY :

FRANK A. HUNTER, of full age, being duly sworn ac-  
cording to law, upon his oath deposes and says:

1. I am employed in the legal department of  
Colt Industries, the parent corporation of Crucible, Inc., the  
defendant in the above entitled civil action. In my stated ca-  
pacity, I have reviewed the complaint and order to show cause  
filed in said action and I have read the accompanying affidavit  
of Henry F. O'Shaughnessy. I have also reviewed and familiarized

(C) By Deed dated September 30, 1948, (Deed Book 2232 pages 386, etc.) defendant conveyed approximately .6 acres to the aforementioned Grossman Steel Stair Corp. This conveyance included "all pipes \*\*\* appurtenant" to the premises conveyed and was made subject to outstanding rights in any sewers, drains and pipe lines.

(D) By Deed dated November 30, 1948, (Deed Book 2341 page 482 , etc.,) defendant conveyed two tracts of land totalling about 4 acres, to Morey Realty Corp., a New Jersey corporation. This Deed included appurtenances; it was made subject to outstanding rights in any sewers, drains and pipelines running through, bounding or comprising part of the premises conveyed in the Deed, and it referred to an agreement of even date. Said agreement (Deed Book 2341 pages 490, etc.) reserved to the grantor an easement for the maintenance, repair, operation and exclusive use of a waste water line running through one of the tracts thus conveyed.

(E) By Deed dated September 15, 1950, (Deed Book 2426 , page 518 , etc.,) defendant conveyed lands comprising about 1.14 acres, to Sigmund Morey, a resident of New York. Said conveyance included an express grant of appurtenances.

(F) By Deeds dated December 20, 1963, (Deed Book 2940, pages 908 ), and November 1, 1966, (Deed Book 3007 , page 989 , etc.,) defendant conveyed its remaining lands in Harrison to the Crucible Steel Charitable Foundation, a Delaware corporation. The conveyances made in these Deeds were subject to all easements of record. Subsequently, by agreements between defendant and Crucible Steel Charitable Foundation, dated December 31, 1965, (Deed Book 2989 , page 1023 , etc.,) and March 27, 1967, (Deed Book 3013 , page 1085 , etc.,) defendant reserved to

Coltec Industries



Coltec Industries Inc  
430 Park Avenue  
New York, NY 10022-3897

John R. Mayo  
Assistant General Counsel  
212/840-9838

October 25, 1996

Mr. Lance Richman, P.G.  
Emergency and Remedial Response  
Division  
United States Environmental  
Protection Agency  
290 Broadway, 19th Floor  
New York, New York 10007-1866

Re: Response to Request for Information Under 42 U.S.C.  
9601, Diamond Alkali Superfund Site, Passaic River  
Study Area

Dear Mr. Richman:

Please accept this correspondence as the response of Coltec Industries Inc ("Coltec") to the USEPA's request for information pursuant to Section 104 of CERCLA pertaining to the Diamond Alkali Superfund Site, Passaic River Study Area (the "Site"). Enclosed also please find the signed, notarized "Certification of Answers to Request for Information." Please note that in addition to conducting a search for relevant documents and interviewing former employees of Crucible Steel that worked at this facility, I have specifically requested that Crucible Materials Corporation ("CMC") conduct a similar investigation to determine if they have responsive information. (the corporate relationship between Crucible Steel, CMC and Coltec is addressed in response to question (1) below). As of the date of this letter, Coltec has not received a written response from CMC regarding the outcome of its investigation for responsive information.

In preparing these responses, interviews were conducted with: Charles Kurcina who was Vice President and General Manager of the facility from December 1971 through May 1973 (current address: Pittsburgh, Pennsylvania - phone: (412) 643-4978); Willard E. Soper, Jr. who was General Foreman of Heat Treat and held various other positions from June 1954 through May 1973 (current address: 104 Larned Road, Summit, New Jersey - phone: (908) 277-4260. Additionally, contact was made with Alan Simon who was Manager, Technical Services at the facility from November 1948 through May 1973. Since the initial contact with Mr. Simon Coltec has been unable to reach Mr. Simon. A telephone interview will be scheduled and this response will be supplemented in the event that said interview reveals additional responsive information.

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Coltec responds to the information requests as follows:

Question No. 1 - This facility was operational in the early 1900's and eventually operated under the name Crucible Steel. Colt Industries Inc (now "Coltec") purchased Crucible Steel in 1968. This facility operated as one of the Crucible Steel Divisions of Coltec until this facility was closed in May of 1973. Coltec sold all interests in Crucible Steel to Crucible Materials Corporation in 1985.

Question No. 2 (a) - No.

(b) - No.

Question No. 3 - Of the materials listed in Question 3, the Crucible Steel Facility at 1000 South Fourth Street used the following:

(a) Chromium: to the extent that it was a constituent in the steel that was manufactured at the facility.

(b) Nickel: to the extent that it was a constituent in the steel that was manufactured at the facility.

(c) Molten lead was used in quenching baths as part of the steel manufacturing process.

Based upon current knowledge, Crucible did not use any of the other materials listed in Question 3 at this facility.

Question No. 4 (a) - Molten lead was used in quenching baths as part of the steel manufacturing process. Nickel and chromium were constituents of the steel (See 3(a) and (b) above).

(b) (i) See above.

(ii) During the quenching process lead would vaporize and as the vapors cooled lead oxide would be formed. The lead oxide was disposed of as solid waste (plant trash) off-site.

(iii) Some of the steel would go through acid treatment or pickling which would result in some dissolution of chrome, iron and nickel. The amount of chrome, iron and nickel which dissolved during the acid treatment/pickling process was minute in quantity. Following the acid treatment/pickling process the steel was run through a water rinse phase. During the water rinse phase small quantities of the chrome, iron and nickel dissolved during the acid treatment/pickling phase may have been released into the rinse water. It is believed that the rinse water was periodically discharged to the sanitary sewer system. Up until

# HUSCH BLACKWELL

Charles E. Merrill  
Partner

190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
Direct: 314.480.1952  
Fax: 314.480.1505  
charlie.merrill@huschblackwell.com

April 1, 2015

Eric Schaaf, Esq.  
Regional Counsel  
United States Environmental Protection Agency  
Region II  
290 Broadway  
New York, New York 10007-1866

Re: Lower Passaic River Study Area Allocation of Responsibility/ *De Minimis*  
Settlements

Dear Mr. Schaaf:

Coltec Industries Inc. (Coltec), a party to the Administrative Settlement and Order on Consent for Remedial Investigation/Feasibility Study for the Lower Passaic River Study Area (LPRSA) portion of the Diamond Alkali Superfund Site (Order), and a recipient of a General Notice Letter from the United States Environmental Protection Agency (EPA) concerning the LPRSA, hereby petitions EPA for *de minimis* status under Section 122(g) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9622(g)(a). For the reasons set forth below, Coltec meets EPA's criteria for a *de minimis* settlement.

Coltec is alleged to be the successor to Crucible Steel Corporation of America (Crucible), which operated steel mills adjacent to the Passaic River in Harrison, New Jersey. As reflected in the attached submission regarding the alleged connection of Crucible to the LPRSA, there is no credible evidence that Crucible is responsible for any release of dioxins, furans, or polychlorinated biphenyls (PCBs) in the LPRSA. These are the hazardous substances EPA has determined are overwhelmingly driving the risk to human health and the environment in the LPRSA. With regard to the other hazardous substances identified as contaminants of potential concern (COPCs) or ecological concern (COPECs), namely various pesticides and metals, discharges of such hazardous substances by the Crucible were minimal, and have not resulted in impacts to the LPRSA that require remediation.

Coltec endorses and adopts the arguments supporting *de minimis* status set forth in the March 10, 2015 letter to you from Daniel Riesel, submitted on behalf of ten recipients of the

SLC-7525159-1



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Husch Blackwell LLP  
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# HUSCHBLACKWELL

Eric Schaaf, Esq.  
April 1, 2015  
Page 2

Order. Coltec acknowledges your letter of March 20, 2015 to Mr. Riesel, expressing EPA's view that issuance of a Record of Decision for the lower eight miles of the LPRSA will present a time for discussion of *de minimis* settlements. Coltec concurs with Mr. Riesel that the time is now ripe to begin such discussions. In any event, Coltec wishes to be included in such discussions whenever they commence.

## **The Current Situation and Findings Support *De Minimis* Settlements**

Now that the Remedial Investigation Report and the Focused Feasibility Study (FFS) for the Lower Eight Miles of the Lower Passaic River have been issued, and the RI/FS for the entire LPRSA is nearly complete, there is sufficient information available to support *de minimis* settlements. The FFS concludes that dioxins, furans, and PCBs that are primarily responsible for the risk to human health and the environment in the Lower Eight Miles. EPA has acknowledged that the Lower Eight Miles contain eighty to ninety-five percent of the total load of hazardous substances in the entire LPRSA, and the soon-to-be-completed RI/FS for the entire LPRSA will not identify any additional hazardous substances as risk drivers. As a result, EPA has more than enough information to honor Section 122(g)'s directive and EPA's own guidance implementing that directive by entering into *de minimis* settlements now.

## **Application Of Section 122(g) And EPA's Guidance To Coltec**

### **A. The Amount Of Hazardous Substances Contributed By Crucible Is Minimal In Comparison To The Total Amount Of Hazardous Substances In The LPRSA**

As recognized in the FFS, upstream and downstream sources continue to release to the LPRSA all of the hazardous substances identified by EPA as being of potential concern except 2,3,7,8-TCDD, and serve as ongoing sources that will maintain such hazardous substances in LPRSA sediments at regional background levels. In-depth investigations of the likely fate and transport of the hazardous substances allegedly released to the LPRSA by Crucible indicate that such alleged releases are minimal in comparison to these ongoing releases and regional background levels. Coltec is prepared to demonstrate to the EPA that historical releases from Crucible are not driving the risk to human health and the environment that requires remediation of the LPRSA.

Because Crucible was not responsible for *any* contribution of the primary hazardous substances driving risk in the LPRSA, and its contribution of any other hazardous substances pales in comparison to the total mass of those hazardous substances in the LPRSA, the total maximum alleged contribution of hazardous substances by Crucible is minimal in comparison to the total amount of hazardous substances in the LPRSA.

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Eric Schaaf, Esq.

April 1, 2015

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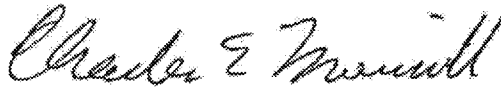
**B. The Toxic Or Other Hazardous Effects Of The Hazardous Substances Contributed By Crucible Is Minimal In Comparison To The Toxic Or Other Hazardous Effects Of All Of The Hazardous Substances In The Lower Passaic River Study Area**

The FFS makes clear EPA's conclusion that the perceived human health risk relating to the presence of hazardous substances in the LPRSA is attributable to the presence of dioxins, furans, and PCBs. The FFS makes equally clear EPA's conclusion that nearly all the perceived ecological risk relating to the presence of hazardous substances in the LPRSA is attributable to these same hazardous substances.

Because Crucible was not responsible for any releases of 2,3,7,8-TCDD (or any dioxins or furans), or PCBs, to the LPRSA, the toxic or hazardous effects of the hazardous substances Crucible allegedly contributed to the LPRSA are, at most, minimal compared to the toxic or hazardous effects of the dioxins, furans and PCBs that overwhelmingly drive the perceived human health and ecological risk at the LPRSA.

For the reasons outlined above, Coltec respectfully requests that EPA now initiate a process to define and execute a *de minimis* settlement with Coltec as prescribed by Section 122(g) and EPA's own guidance. Coltec looks forward to participating in that process.

Best regards,



Charles E. Merrill  
Partner

CEM  
Attachment

CONFIDENTIAL  
FRE 408 SETTLEMENT COMMUNICATION

COLTEC INDUSTRIES INC

**Summary of Alleged Nexus to Lower Passaic River**

Coltec Industries Inc is alleged to be the successor to Crucible Steel Corporation of America ("Crucible"), which operated steel manufacturing facilities in Harrison, New Jersey, adjacent to river mile 4.0 on the Passaic River. Crucible operated its 48-acre Atha Works from 1900 to 1947, when it sold the property to Charles F. Guyon Inc. Crucible operated the adjoining 14-acre Spaulding Works from 1949 to 1974, when it sold the property to Isadore Spiegel/ Spiegel Trucking, Inc. The former Spaulding Works/ Spiegel Trucking property is now occupied by the Red Bull Soccer Stadium.

**I. Operations**

Atha Works (1900 - 1947). Crucible's Atha Works steel mill operated crucible furnaces, open hearth furnaces, electric arc furnaces, forging and finishing hammers, rolling mills, and related processes. During World War I, the plant's Ordnance Department manufactured rifle barrels. During World War II, the Ordnance Department, which included the British Shell Shop, manufactured barrels for large cannon, shells for such cannons, submarine periscope tubes and torpedo launching tubes, and rifle barrel steel.

Spaulding Works (1949 - 1974). Crucible's Spaulding Works steel rolling mill produced a wide range of cold rolled alloy, stainless, and high-carbon specialty steels, as well as cast magnets, precision castings, cast alloy tools and alloy welding rods.

Neither dioxin nor PCBs were manufactured or used in Crucible's manufacturing processes.

Environmental conditions at the Atha Works/ Guyon property were investigated under New Jersey ISRA in 1990 and 2005. Environmental conditions at the Spaulding Works/ Spiegel Trucking property were extensively investigated beginning in 2001, culminating in soil remediation in 2005 - 2009, prior to and during the construction of Red Bull Stadium.

**II. Alleged Discharges**

Atha Works. There is no direct evidence concerning wastewater discharges from the Crucible Atha Works, but effluent from such steel operations typically included the minimal concentrations of iron, chromium, lead, nickel, zinc, and other metals, and lubricating and hydraulic oils. TCDD and PCBs are not typically found in effluent from such operations. Navigational dredging of the Passaic River prior to 1950 likely removed sediment that may have been impacted by discharges from the Atha Works. During ISRA investigations of the Atha Works/ Guyon property in 2005, isolated low-level PCB soil contamination was detected at a railroad siding, a former oil tank location, and a former outdoor electrical substation. There is no evidence (a) that these detections were more than isolated locations; (b) that these detections were associated with any discharge to the Passaic River; or (c) that the PCBs were released prior to Crucible's sale of the property to Guyon in 1947.

Spaulding Works. Although the Crucible Spaulding Works was connected to the Passaic Valley Sewerage Commission (PVSC) sewer trunk line, it also had two outfalls to the Passaic



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FRE 408 SETTLEMENT COMMUNICATION

River. One was a 6 foot by 6 foot box culvert; the other was a 12-inch storm and cooling water sewer. The culvert was the discharge point for a storm water drainage system which served both the Spaulding Works and the adjacent industrial complex occupied by numerous other companies. In 1970, the PVSC filed suit against Crucible Steel for discharging oil through the box culvert into the Passaic River. Crucible took several steps to prevent oil discharges from its plant, but investigations revealed that the oil observed at the outfall was originating from an unknown off-site source discharging to part of the drainage system known as Guyon Lateral No. 1. This oil discharge ceased when the lateral was plugged. In the PVSC litigation, Crucible disclosed that it occasionally discharged spent pickling acid through the drainage system. In 1970, Crucible installed a reservoir for neutralization of the spent acid, and in 1971 Crucible installed a system for pH monitoring and treatment of this effluent prior to its discharge to the sanitary sewer system.

There is no additional direct evidence concerning wastewater discharges from the Spaulding Works, but effluent from such steel cold rolling operations typically included de minimis concentrations of iron, chromium, lead, nickel, zinc, and other metals, and lubricating and hydraulic oils. TCDD and PCBs are not typically found in discharges from such operations.

During site demolition in 2007 for the construction of Red Bull Stadium, concrete from several areas of the site, and sediment in one basement, exceeded NJDEP's Non-Residential Direct Contact Soil Cleanup Criteria (NRDCSCC) for PCBs. These contaminated materials were disposed of off-site. There is no evidence (a) that these detections were more than isolated locations; (b) that these detections were associated with any discharge to the Passaic River; or (c) that the PCBs were released prior to Crucible's sale of the property to Spiegel Trucking in 1974.

### III. Additional Factors

Coltec has cooperated with the United States regarding the LPRSA, signing the Consent Orders with EPA to conduct the RI/FS and the RM10.9 removal action. This cooperation came notwithstanding the fact that there is no evidence that Crucible's former operations contributed the contaminants (primarily dioxin and PCBs) that are driving the investigation and/or response actions conducted or contemplated for the LPRSA. Coltec was not named as a Respondent to NJDEP's directive, but did participate in the settlement of the New Jersey state court litigation.



SDMS Document



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John R. Mayo  
Deputy General Counsel  
john.mayo@enproindustries.com

November 25, 2003

**Via Federal Express**

Ms. Kedari Reddy  
Assistant Regional Counsel  
United States Environmental Protection Agency  
Region 2  
290 Broadway  
New York, New York 10007-1866

Re: **Diamond Alkali Superfund Site**

Dear Ms. Reddy:

Please accept this letter in response to your letter of September 15, 2003 addressed to John Guffey, President, Coltec Industries Inc. Initially, please note that Mr. Guffey retired as the president and CEO of Coltec in 1999 when Coltec merged with Goodrich Corporation. Goodrich subsequently spun off the industrial businesses of Coltec Industries effective May 31, 2002. The parent corporation of Coltec Industries is now EnPro Industries, Inc.

Upon receipt of your letter in early October, we conducted an internal investigation to determine whether we had any documents or other information which would indicate what type of operation was conducted by our former subsidiary, Crucible Steel, in Harrison, New Jersey. We have been unable to locate any documents regarding Crucible's former operation at that location. The only file related to this site which apparently contains a CERCLA 104(e) response by Coltec was identified on our file docket as being in offsite storage, but unfortunately, the file has either been lost or misplaced.

Based upon our conversation of today, it is my understanding that you will forward a copy of USEPA's documents relating to Crucible's involvement with this site. You also indicated in our conversation that an indication as to whether Coltec would cooperate and negotiate with USEPA in good faith with regard to remedial investigation of this site is due tomorrow, November 26. I first learned of this response date via e-mail yesterday. In general, Coltec has a history of cooperating with USEPA, in Region 2 and elsewhere, with regard to investigation of sites at which there is evidence of a contribution by Coltec or one of its subsidiaries. To the extent that there is evidence that the former Crucible operation in Harrison, New Jersey caused or contributed to contamination at the site,

5605 Carnegie Boulevard  
Charlotte NC 28209-4674  
Phone 704 731 1525  
Fax 704 731 1531  
www.enproindustries.com

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Ms. Kedari Reddy  
November 25, 2003  
Page 2

Coltec would be willing to discuss and negotiate in good faith with USEPA regarding a level of contribution to the investigation commensurate with Crucible's connection to the site.

On receipt of the USEPA file information, we will review it and contact you with any questions or comments. In the meantime, thank you for your consideration in forwarding the above-referenced information. Please forward any future correspondence regarding this site to my attention at the address set forth above.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Mayo", written in a cursive style.

John R. Mayo

JRM/kh

959790002

# **EnPro Holdings Inc.**

5605 Carnegie Boulevard  
Charlotte, NC 28209-4674  
Phone 704 731 1500  
Fax 704 731 1511

January 25, 2017

Emergency and Remedial Response Division  
U.S. EPA, Region II  
290 Broadway, 19<sup>th</sup> Floor  
New York, NY 10007-1866  
Attn: Lower Passaic River Remedial Project Manager

Re: Lower Passaic River Superfund Site  
RI/FS Administrative Order on Consent  
River Mile 10.9 Administrative Order on Consent  
Assignment from Coltec Industries to EnPro Holdings

Dear Sir or Madam:

I am the Vice President of EnPro Holdings, Inc. ("Holdings") and Director, Environmental, and Deputy General Counsel of its parent corporation, EnPro Industries, Inc. ("EnPro"). I am writing regarding a recent internal corporate restructuring of Coltec Industries Inc. ("Coltec"), a wholly-owned subsidiary of EnPro. Coltec has been identified as a potentially responsible party at the Lower Passaic River site and is a party to the remedial investigation/feasibility study Administrative Order on Consent and the river mile 10.9 Administrative Order on Consent.

As you may know, certain of EnPro's subsidiaries, including Coltec, have for many years been defending asbestos claims. In March 2016, EnPro announced a comprehensive settlement to permanently resolve asbestos claims against Coltec and Garlock Sealing Technologies LLC ("GST"). This comprehensive settlement was an important and positive milestone for EnPro. In announcing the settlement, Steve Macadam, EnPro's President and Chief Executive Officer, said, "Once consummated, this agreement will bring to a close our history of managing asbestos claims, which began well before EnPro became an independent company 14 years ago, and it will allow us to proceed into a future unimpeded by the costs and distractions of managing asbestos lawsuits."

To implement the comprehensive settlement, Coltec underwent an internal corporate restructuring on December 31, 2016 that resulted in its transfer of substantially all of its assets to a newly formed entity, EnPro Holdings, LLC ("Holdings"). Like Coltec, Holdings is a direct wholly owned subsidiary of EnPro. As part of that transfer, Coltec assigned to Holdings certain liabilities and obligations, including all of Coltec's environmental liabilities and obligations. That assignment included Coltec's liabilities and obligations at the Lower Passaic River site.

An additional component of the internal corporate restructuring was the December 31, 2016 merger of Coltec into OldCo, LLC ("OldCo"), a newly formed indirect wholly owned subsidiary of EnPro. Coltec's merger into OldCo followed Coltec's transfer of assets to Holdings. The primary reason for Coltec's corporate restructuring was to facilitate the implementation of the comprehensive asbestos settlement. As Coltec's successor, OldCo retained responsibility for all asbestos claims against Coltec and all of Coltec's rights to insurance assets.



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January 25, 2017

Page 2

As part of EnPro's asbestos claims resolution process, GST entered into Chapter 11 bankruptcy in June 2010, and OldCo plans to file its own Chapter 11 bankruptcy on January 30, 2017. OldCo's bankruptcy is a "pre-packaged" Chapter 11 case, and OldCo's joint plan of reorganization with GST (the "Joint Plan") implements the consensual comprehensive resolution of asbestos liabilities of Coltec and GST. The Joint Plan has already been overwhelmingly accepted by asbestos claimants, so OldCo anticipates receiving all necessary court approvals for confirmation of the Joint Plan and emerging from bankruptcy during the third quarter of 2017.

You can expect to receive notice of OldCo's bankruptcy, and the automatic stay arising under Bankruptcy Code § 362(a) will, upon the filing of OldCo's bankruptcy, prevent any claims and actions against OldCo, as successor to Coltec. The automatic stay will not, however, prevent any claims or actions against Holdings.

EnPro undertook Coltec's corporate restructuring to facilitate the path for the resolution of asbestos claims while minimizing business disruption as much as possible. By design, that corporate restructuring kept the environmental liabilities and obligations formerly owed by Coltec and recently assigned to and assumed by Holdings outside of the bankruptcy process (other than having the automatic stay limit claims and actions against OldCo, as successor to Coltec) and will allow Holdings to continue to address those environmental liabilities and obligations without disruption.

We look forward to continuing working with you as needed to address Holdings' environmental obligations and liabilities. If you have any questions, please contact me at (704) 526-3818 or [Benne.Hutson@EnProIndustries.com](mailto:Benne.Hutson@EnProIndustries.com).

Sincerely,



Benne Hutson  
Vice President

cc: Via Email

Charles Merrill

G-CRUD64550

OCC-TIG-E02981694

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
NEWARK VICINAGE**

OCCIDENTAL CHEMICAL CORPORATION,	)	
	)	Hon. Judge Madeleine Cox Arleo
	)	Hon. Magistrate Judge Joseph A.
Plaintiff,	)	Dickson.
	)	Civil Action No. 2:18-CV-11273
v.	)	(MCA-JAD)
	)	
21ST CENTURY FOX AMERICA, INC., <i>et al.</i> ,	)	<b>DEFENDANT ENPRO</b>
	)	<b>HOLDINGS, INC.'S ANSWERS</b>
	)	<b>AND OBJECTIONS TO</b>
Defendants.	)	<b>STANDARD SET OF</b>
	)	<b>INTERROGATORIES TO BE</b>
	)	<b>ANSWERED BY PLAINTIFF AND</b>
	)	<b>DEFENDANTS</b>

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Pursuant to Federal Rules of Civil Procedure 26 and 33, Local Civil Rule 33.1, and Paragraphs 14 and 15 of the Second Pretrial Scheduling Order (ECF No. 550), Defendant EnPro Holdings, Inc., the successor to Coltec Industries Inc (collectively referred to as "EnPro Holdings, Inc." or "Defendant") submits the following Answers and Objections to the Standard Set of Interrogatories to Be Answered by Plaintiff and Defendants ("Interrogatories").

During the parties' negotiations, the parties agreed to reserve the right to raise and challenge objections to the Interrogatories based on individual circumstances: "Each party may have individual circumstances and objections regarding the application of these interrogatories and the burden in answering them. Therefore, all parties reserve the right to object to any of these interrogatories on the grounds allowed for under Federal Rule of Civil Procedure 33. The parties also reserve their rights to challenge the validity of any such objections." Interrogatories at p. 7 n.1.

interest privilege, the joint defense privilege, or other protection from discovery or disclosure under any other relevant statutory or case law or other applicable privilege or protection.

Finally, the correct party to this litigation is EnPro Holdings, Inc., the successor to Coltec Industries Inc, which is the successor to the Crucible Steel entity that operated the "Property" as defined in these Interrogatories. The correct party to this lawsuit is not "EnPro Industries, Inc., formerly Crucible Steel." EnPro Holdings, Inc. has previously asked Plaintiff to take steps to correct the error so that the proper party is named.

### **STANDARD INTERROGATORIES**

1. Identify each Property at Issue at which You have conducted Operations.

**ANSWER:** Crucible Steel Corporation (affiliated with EnPro Holdings, Inc.) conducted Operations at a facility (the "Facility") in Harrison, New Jersey. The western portion of the Facility, referred to herein as the "Guyon Property," is a ±48 acre site located at 1000 South Fourth Street, 900 South Fourth Street, 900 Frank E. Rodgers Blvd, 1000 Frank E. Rodgers Blvd., and 900 – 1000 South Fourth Street, Harrison, New Jersey. The eastern portion of the Facility, referred to herein as the "Spiegel Property," is a 14.85 acre site located at 600 Cape May Street, Harrison, New Jersey, currently the location of Red Bull Stadium.

2. For each Property at Issue identified in response to Interrogatory No. 1, describe Your Operations and the dates during which they occurred, Including any changes in the Operations that occurred over time.

**ANSWER:** EnPro Holdings, Inc. objects to this Interrogatory on the basis of relevance and as overly broad because it seeks information regarding all changes to EnPro Holdings, Inc.'s Operations, regardless of whether such changes had any possible connection to releases of COCs

property in 1947, and an additional 7 additional acres in 1967. Guyon leased a portion of the Guyon property to its subsidiary, Fabco Piping, Inc., from July 1, 1980 to June 30, 1988.

In approximately 1938, Crucible constructed the British Shell Shop on the 14.85 acres Spiegel Property for use as a rolling mill. From 1949 to 1973, Crucible operated its Spaulding & Jennings Works at the Spiegel Property. Crucible sold the Spiegel property to Spiegel Trucking, Inc. in 1974.

4. To the extent You intend to claim You are not the legal successor to the business entity that conducted the Operations described in the response to Interrogatory No. 2, Identify and describe any transaction(s) related to the ownership of the business entity that conducted the Operations described in response No. 2. The time period for this interrogatory is from the earliest date of Your Operations to the present.

**ANSWER:** EnPro Holdings, Inc. is not making a claim that it is not the legal successor to Crucible for purposes of this litigation.

5. For each Operation identified in response to Interrogatory No. 2, Identify: (a) the raw materials used; (b) products and intermediates resulting from the Operations; and (c) any Waste Materials.

**ANSWER:** The Atha Works steel mill on the Guyon Property manufactured and processed steel and steel products. Petroleum-based products were used in heating, manufacturing, and lubrication. The Spaulding & Jennings Works at the British Shell Shop on the Spiegel Property produced ordnance for the British government – specifically, cold rolled alloy, stainless, and high carbon steel specialties, including magnets, precision castings, cast alloy tools and alloy welding rods. EnPro Holdings, Inc. is not aware of any further information regarding the raw materials used for, and intermediates and Waste Materials resulting from,



**ANSWER:** The PVSC filed a civil action against Crucible in 1970 related to a discharge of oily waste from the box culvert to the bank of the Passaic River. The eventual outcome of the proceeding was that Crucible was determined not to be the source of the oily waste.

EnPro Holdings, Inc. further states that it was involved in litigation styled *New Jersey Department of Environmental Protection v. Occidental Chemical Corporation* (Docket No. ESX-L-9868-05) in New Jersey Superior Court, Essex County, which was resolved by settlement. Documents related to that litigation in EnPro Holdings, Inc.'s possession, custody, or control are stored in EnPro Holdings, Inc.'s and its legal counsel's files.

EnPro Holdings, Inc. also entered into a Section 122(h) Agreement for payment of response costs in the Matter of the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site In and About Essex, Hudson, Bergen and Passaic Counties, New Jersey (U.S EPA Region 2, CERCLA Doc. No. 02-2004-2011). Documents in EnPro Holdings, Inc.'s possession, custody or control relating to this 122(h) Agreement are subject to attorney-client, work product, settlement, and other applicable privileges. Plaintiff has access to the agreement.

EnPro Holdings, Inc. also entered into an Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study for the Lower Passaic River Study Area portion of the Diamond Alkali Superfund Site In and About Essex, Hudson, Bergen and Passaic Counties, New Jersey (U.S EPA Region 2, CERCLA Doc. No. 02-2007-2009). Documents in EnPro Holdings, Inc.'s possession, custody or control relating to this ASAO are subject to attorney-client, work product, settlement, and other applicable privileges. Plaintiff has access to the Order.

EnPro Holdings, Inc. also entered into an Administrative Settlement Agreement and Order on Consent for Removal Action for the Lower Passaic River Study Area portion of the

Diamond Alkali Superfund Site In and About Essex, Hudson, Bergen and Passaic Counties, New Jersey (U.S. EPA Region 2, CERCLA Docket No. 02-2012-2015). Documents in EnPro Holdings, Inc.'s possession, custody or control relating to this ASAOC are subject to attorney-client, work product, settlement, and other applicable privileges. Plaintiff has access to the Order.

EnPro Holdings, Inc. is also involved in the ongoing EPA Allocation proceeding conducted by David Batson. The EPA Allocation has not yet concluded. Documents in EnPro Holdings, Inc.'s possession, custody or control relating to the EPA Allocation are subject to attorney-client, work product, settlement, and other applicable privileges and the Diamond Alkali Superfund Site OU2 Allocation Confidentiality Agreement.

17. Identify the dates and describe the nature and results of any soil, groundwater, surface water, stormwater, sediment, wastewater, or other site media sampling that relates to COCs on any Property at Issue identified in response to Interrogatory No. 1 or in the Passaic River.

**ANSWER:** Sampling and remediation-related documentation has been produced by EnPro Holdings, Inc. (see ENPR-FED-0000000056-102, 103-133, 134-237, 238-252, 301-314, 315-322, 323-330, 331-525, 526-643, 644-769, 770-775, 776, 777-931, 932, 934, 935-957, 958-1091, 1092-1093, 1262-1334, 1335-1617, 1770-2097, 2098-3747, 3748-3749, 3750, 3751-3752, 3753-3754, 3757, 3758, 3759, 3760-3769, 3770-3895, 3896, 3897-3926, 3927-3995, 3996-4121, 4122-4258, 4259-4285, 4286-4480, 4481-4492, 4503-4513, 4514-4533, 4534-4573, and 4574-4580, produced in this litigation by EnPro Holdings, Inc. to Plaintiff on April 19, 2019). In addition, EnPro Holdings, Inc. attaches and incorporates by reference Exhibit A, which identifies sampling relating to COCs conducted in the Passaic River on behalf of the Cooperating Parties Group.